



Report Committee of Adjustment

Filing Date: May 7, 2024
Hearing Date: June 18, 2024

File: A-2024-0146

**Owner/
Applicant:** HARJIT SINGH WALIA

Address: 84 Black Oak Drive

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0146 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That the applicant obtain a building permit for the above grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 4. That drainage on adjacent properties shall not be adversely affected; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached D- Special Section 518 (R1D-518)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.17 metres (0.55 feet) to a proposed exterior stairway leading to a below grade entrance in the interior side yard, whereas the by-law requires a minimum setback of 0.3 metres (0.98 feet) to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres (3.94 feet) is provided on the opposite side of the dwelling; and
2. To permit a door below grade in a wall where the distance between the walls of two dwellings is 1.88 metres (6.17 feet), whereas the by-law requires that no door or window below grade will be permitted in any such wall where the distance between the walls of two dwellings is less than 2.4 metres (7.87 feet).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The nature and extent of the proposed variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit an interior side yard setback of 0.17 metres (0.55 feet) to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres (0.98 feet) to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres (3.94 feet) is provided on the opposite side of the dwelling. Variance 2 is requested to permit an existing door below grade in a wall where the distance between the walls of two dwellings is 1.88 metres (6.17 feet), whereas the by-law requires that no door or window below grade will be permitted in any such wall where the distance between the walls of two dwellings is less than 2.4 metres (7.87 feet).

The intent of the by-law in regulating below grade entrances in the interior side yard and in requiring a minimum interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard. Despite the setback reduction to one side of the property, rear yard access remains feasible as there is a path that is 1.29 metres (4.23 feet) wide on the opposite side of the home. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the pathway includes two step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. Subject to the conditions

of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances will permit an existing entrance within the required interior side yard. The variance to reduce the resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Given that the entrance is existing, a condition of approval is recommended that the applicant obtain a building permit for the above grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official. Subject to the recommended conditions of approval, the proposed variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will permit an existing exterior stairway leading to a below grade entrance and reduced side yard setback. The variances are not anticipated to have significant impact on drainage or limit access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the requested variances are deemed minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

